



PLANNING COMMISSION AGENDA REPORT

VI.3

MEETING DATE: MARCH 9, 2009

ITEM NUMBER

**SUBJECT: CODE AMENDMENT CO-09-03 TO TITLE 20 OF COSTA MESA MUNICIPAL CODE
RELATED TO VEHICLE PARKING PROVISIONS FOR RESIDENTIAL PROPERTIES**

DATE: FEBRUARY 24, 2009

**FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA, SENIOR PLANNER
(714) 754-5610**

DESCRIPTION

Code Amendment CO-09-03 is an amendment to Title 20 of the Costa Mesa Municipal Code (Property Maintenance Code) to specify vehicle parking on residential driveways.

RECOMMENDATION

Recommend that City Council introduce and give first reading to ordinance.

MINOO ASHABI, AIA
Senior Planner

KIMBERLY BRANDT, AICP
Assistant Dev. Svs. Director

BACKGROUND

On October 7, 2008, Planning Commission recommended to City Council a Zoning Code amendment that would require one additional garage space for homes with five or more bedrooms; allow a tandem garage parking space to satisfy the additional parking requirement; and, establish maximum front yard coverage standards for paved areas in all residential zones. In addition, Commission recommended amending Property Maintenance Code (Title 20 – Attachment 1) regulations to specify acceptable parking configurations for vehicles on residential driveways.

The City Council expressed concerns on the proposed code amendments, and on 5-0 vote referred the proposed code amendment back to Commission for reconsideration. Council also requested staff to obtain input from Building Industry Association (BIA), Chamber of Commerce, and Homeowner Associations. The following is summary of concerns noted by Council related to proposed amendment:

- Most home sites may not be able to accommodate an extra garage space without major modification to the house layout and construction of a garage could add significant cost to a simple room addition;
- The proposal needs to clarify the definition of a five-bedroom house and a home office vs. bedroom;
- The proposal should clarify whether or not the requirement would be retroactive or subject to a specific threshold for compliance (i.e., require removal of excess driveway at time of issuance of permit for a room addition).

On February 2, 2009, the Planning Commission held a study session and discussed the alternatives. The BIA, homeowners associations and Recreation Vehicle Owners Association were notified and no comments were received. The Commission directed staff to prepare three separate draft ordinances for each of the following issues:

1. Require an additional garage for new single-family detached homes and room additions with five or more bedrooms;
2. Establish driveway-width standards for single-family residences in R1 Zoning; and,
3. Clarify vehicle parking on residential driveways.

This report addresses vehicle parking on residential driveways.

ANALYSIS

The purpose of this code amendment is to encourage use of garage spaces for storing vehicles and to ensure garages are accessible for daily use. In addition, there are instances where vehicles are parked encroaching onto public right-of-way including sidewalks (Attachment 4). To ensure that vehicles are parked within driveways and in direction to garage doors, staff is recommending the following parking configuration on residential driveways:

- Require that vehicles be parked perpendicular to street in direction of the garage door for straight-in residential driveways; and,
- Prohibit vehicles from overhanging beyond driveways and onto sidewalks and yard areas.

This code amendment may result in additional vehicles parked on public streets (maximum of 72 hours) in cases where driveways are not long enough to accommodate a vehicle without encroaching onto the sidewalk and owners choose not to park in garages. In respect to recreational vehicles, if a driveway cannot accommodate a recreational vehicle without extending beyond the driveway or encroaching into the public right-of-way, off-site storage may be required. The Municipal Code only permits parking of recreational vehicles on public streets for a limited time and for loading and unloading purposes (Attachment 2).

ENVIRONMENTAL DETERMINATION:

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that it can be seen with certainty that there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment.

CONCLUSION:

The proposed Ordinance will establish appropriate standards for parking on residential driveways so that garages are readily available for parking vehicles.

Distribution: Assistant City Attorney
Deputy City Manager- Dev. Svs. Director
Public Services Director
City Engineer
Staff (4)
File (2)

Attachment: 1. Draft Ordinance
2. Example Photos
3. Municipal Code Title 20 Excerpt
4. Municipal Code Title 10 Excerpt

Costa Mesa Recreation Vehicle Owners Assoc.
Attn: Frank Leingang
3368 California Street
Costa Mesa, CA 92626

Costa Mesa Recreation Vehicle Owners Assoc.
Attn: Dave Goss
2021 Kornat Drive
Costa Mesa, CA 92626

Mesa Verde Community Inc.
Attn: Robin Lefler
3018 Samoa Place
Costa Mesa, CA 92626

Building Industry Association OC Chapter
Attn: Bryan Starr
17744 Sky Park Circle, Suite 170
Irvine, CA 92614

Costa Mesa Chamber of Commerce
1700 Adams Ave., Suite No. 101
Costa Mesa, CA 92626

File: 030909C0-0903	Date: 022609	Time: 11:00 a.m.
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ORDINANCE NO. 09-

**AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA,
CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-
09-03, AMENDING TITLE 20 OF THE COSTA MESA
MUNICIPAL CODE REGARDING VEHICLE PARKING ON
RESIDENTIAL DRIVEWAYS**

**THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS
FOLLOWS:**

SECTION 1: TITLE 20. Title 20 of the Costa Mesa Municipal Code is hereby amended as follows:

a. Amend Table 20-(c) as follows:

<u>"Table 20-6(c) [EXCERPT OF PARKING AND STORAGE OPTIONS ONLY]"</u>			
<u>VEHICLE STORAGE AND PARKING REGULATIONS</u>			
	RESIDENTIAL ZONES AND RESIDENTIALLY-DEVELOPED PROPERTY		
Parking and Storage Options	Vehicle and Recreation al Vehicles	Inoperative Vehicles	Wrecked or dismantled vehicles, or part thereof
<p>4. Other residential storage options. Stored or parked on a paved area that meets criteria a. and b. and c. below:</p> <p>a. A paved area that is not within required building setback area abutting a public street, excluding alleys; and,</p> <p>b. Screened by a 6-foot high permanent, solid, opaque fence or wall. The fence or wall shall be constructed and maintained in accordance with applicable development standards for fences and walls contained in the City of Costa Mesa Zoning Code. A building may also serve to screen the storage area.</p> <p>c. The exception to subparagraphs a. and b. above is that a vehicle may be stored or parked on a paved driveway connecting a garage or carport with a public or private street. <u>Additionally, a vehicle shall not overhang or extend beyond the driveway area or overhang the public right-of-way including sidewalks.</u></p> <p><u>Note: Vehicles shall be parked perpendicular to the street on driveways that provide straight-in access from a public street.</u></p>	P ¹	P ¹	P ¹
<p>P= Permitted</p> <p>1. Excludes buses, tow trucks, dump trucks, flatbed trucks, tractors, tractor trailers, truck trailers; or any other commercial vehicle over 25 feet long or 8 feet in height or 90 inches wide, except as allowed in Section 20-6(a).</p> <p>2. Provided that the inoperative vehicle is covered by a vehicle cover, made for that purpose and maintained in good condition, and in compliance with Section 20-7(c).</p>			

SECTION 2: ENVIRONMENTAL DETERMINATION. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment..

SECTION 3: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2009.

ALLAN R. MANSOOR
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

6

STATE OF CALIFORNIA)

COUNTY OF ORANGE)ss
)

I, JULIE FOLCIK, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 09-____ as introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2009, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of _____, 2009, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2009.

City Clerk
City Council of the City of Costa Mesa

Examples of Existing Conditions



RV parking parallel to street and blocking access to garage



Truck encroaching onto public right-of-way

Table 20-6(c)
VEHICLE STORAGE AND PARKING REGULATIONS

	RESIDENTIAL ZONES AND RESIDENTIALLY-DEVELOPED PROPERTY			NON-RESIDENTIAL ZONES (EXCLUDING RESIDENTIALLY-DEVELOPED PROPERTY)		
	Vehicle and Recreational Vehicles	Inoperative Vehicles	Wrecked or dismantled vehicles, or part thereof	Vehicle and Recreational Vehicles	Inoperative Vehicles	Wrecked or dismantled vehicles, or part thereof
Parking and Storage Options						
1. Interior storage. Enclosed completely within a building in a lawful manner where it is not visible from the street or other public or private property	P	P	P	P	P	P
2. Licensed vehicle dealer. Stored or parked in a lawful manner in connection with the business of a licensed vehicle dealer.	•	•	•	P	P	P
3. Other lawful business. Stored or parked on a lot pursuant to zoning approval granted by the City of Costa Mesa for that purpose, in connection with the operation of a lawfully-conducted business.	•	•	•	P	P	P
4. Other residential storage options. Stored or parked on a paved area that meets the following criteria: a. A paved area that is not within the required building setback area abutting a public street, excluding alleys; and, b. Screened by a 6-foot high permanent, solid, opaque fence or wall. The fence or wall shall be constructed and maintained in accordance with applicable development standards for fences and walls contained in the City of Costa Mesa Zoning Code. A building may also serve to screen the storage area. c. The exception to subparagraphs a. and b. above is that a vehicle may be stored or parked on a paved driveway connecting a garage or carport with a public or private street.	P ¹	P ¹	P ¹	Not applicable	Not applicable	Not applicable

Table 20-6(c)
VEHICLE STORAGE AND PARKING REGULATIONS

	RESIDENTIAL ZONES AND RESIDENTIALLY-DEVELOPED PROPERTY			NON-RESIDENTIAL ZONES (EXCLUDING RESIDENTIALLY-DEVELOPED PROPERTY)		
	Vehicle and Recreational Vehicles	Inoperative Vehicles	Wrecked or dismantled vehicles, or part thereof	Vehicle and Recreational Vehicles	Inoperative Vehicles	Wrecked or dismantled vehicles, or part thereof
Parking and Storage Options: 5. Other Nonresidential storage options. Stored or parked on a paved area that meets the following criteria: a. A paved area that is not within the required building setback area abutting a public street, excluding alleys; and, b. Screened by a 6-foot high permanent, solid, opaque fence or wall. The fence or wall shall be constructed and maintained in accordance with applicable development standards for fences and walls contained in the City of Costa Mesa Zoning Code. A building may also serve to screen the storage area.	Not applicable	Not applicable	Not applicable	P	•	•
6. Stored or parked on any unpaved surface, except as permitted above.	•	•	•	•	•	•
P = Permitted • = Prohibited 1. Excludes buses, tow trucks, dump trucks, flatbed trucks, tractors, tractor trailers, truck trailers; or any other commercial vehicle over 25-feet long or 8 feet in height or 90-inches wide, except as allowed in Section 20-6(a). 2. Provided that the inoperative vehicle is covered by a vehicle cover, made for that purpose and maintained in good condition, and in compliance with Section 20-7(c).						

TITLE 10- [EXCERPT ONLY]

Sec. 10-185. Use of streets for parking and/or storage of certain vehicles prohibited.

(a) Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Chief of police" means the Chief of Police of the City of Costa Mesa, or his designee.

(2) "Commercial vehicle" shall mean any vehicle having more than two axles, or any single commercial vehicle or combination of said vehicles which exceed twenty (20) feet in length, any single commercial vehicle or combination of said vehicles eighty-four (84) inches or more in width, or any single commercial vehicle or combination of said vehicles having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more. A Commercial Vehicle includes a truck tractor, but does not include a large motor vehicle or nonmotorized vehicle as defined herein or a pick-up truck without a camper or sports utility vehicle.

(3) "Large motor vehicle" shall mean any house car, pick-up truck with camper, recreational vehicle or other vehicle that measures more than twenty-two (22) feet in length or is both more than eighty-four (84) inches in width and more than eight-four (84) inches in height. The term "large motor vehicle" does not include a commercial vehicle as defined herein, a pick-up truck without a camper or sports utility vehicle.

(4) "Nonmotorized vehicle" shall mean any trailer or any other device that is not self-propelled.

(5) "Motor vehicle" shall mean a passenger vehicle, pick-up truck without a camper, sports utility vehicle, motorcycle and motor-driven cycle but shall not include a house car.

(6) "Residential district" shall mean any area within the city which is zoned R1, R2-MD, R2-HD, R3, and those portions of planned community districts and specific plan districts which are specified for residential uses.

(b) Measurements. To determine the width or length of the vehicles defined in this section, any extension to the vehicle caused by mirrors, air conditioners, or similar attachments shall not be included.

(c) No person who owns or has possession, custody, or control of any motor vehicle shall park, or leave standing, such a motor vehicle upon any public street, highway or alley for more than a period of seventy-two (72) consecutive hours.

(d) No person shall, at any time, park or leave standing any large motor vehicle or nonmotorized vehicle on any public street, highway or alley except:

(1) In residential districts, large motor vehicles or, nonmotorized vehicles attached to a motor vehicle or large motor vehicle, parked adjacent to the owner's residence are allowed for the purposes of loading, unloading, cleaning, battery-charging, or other activity preparatory or incidental to travel for a period of time not to exceed forty-eight (48) consecutive hours.

(2) In residential districts, large motor vehicles or, nonmotorized vehicles attached to a motor vehicle, parked adjacent to the owner's residence may be allowed for up to an additional twenty-four (24) consecutive hours, but no more than a total of seventy-two (72) consecutive hours, provided an extension has been granted by the chief of police. The chief of police shall establish general standards for an extension provided for by this section.

(3) Any large motor vehicle, or nonmotorized vehicle which is attached to a motor vehicle or large motor vehicle that is parked on a public street pursuant to either subsections (1) or (2) hereinabove shall, at the end of the permitted period of time, whether forty-eight (48) or seventy-two (72) hours, be removed from its location and shall not be parked on any public street for the purposes stated hereinabove for a period of at least forty-eight (48) hours.



PLANNING COMMISSION

SUPPLEMENTAL MEMORANDUM

VI.3a.

MEETING DATE: MARCH 9, 2009

**SUBJECT: CODE AMENDMENT CO-09-03 TO TITLE 20 OF COSTA MESA MUNICIPAL CODE
RELATED TO VEHICLE PARKING PROVISIONS FOR RESIDENTIAL PROPERTIES
REVISED DRAFT ORDINANCE**

DATE: MARCH 4, 2009

**FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA, SENIOR PLANNER
(714) 754-5610**

The purpose of this supplemental memo is to modify the draft ordinance to: 1) to establish the driveway width of existing residential properties for the purposes of regulating where vehicles can be stored or parked; and, 2) to allow two exceptions to the maximum driveway width requirement. Staff has included two exceptions that the Commission may consider, which would allow an expanded driveway width for vehicles parking purposes as follows:

- 1) A driveway serving a single-car garage/carport; or,
- 2) A driveway serving a detached garage/carport located in the rear of the property.

Please refer to Figures 1 and 2 which depict expanded driveways.

Attachment: 1. Revised Draft Ordinance for Title 20
2. Illustrations

Distribution: Assistant City Attorney
Deputy City Manager- Dev. Svs. Director
Public Services Director
City Engineer
Staff (4)
File (2)

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Building Industry Association OC Chapter
Attn: Bryan Starr
17744 Sky Park Circle, Suite 170
Irvine, CA 92614

Costa Mesa Chamber of Commerce
1700 Adams Ave., Suite No. 101
Costa Mesa, CA 92626

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CALIFORNIA ADOPTING CODE AMENDMENT CO-09-03,
AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL
CODE REGARDING VEHICLE PARKING ON RESIDENTIAL
DRIVEWAYS**

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

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	RESIDENTIAL ZONES AND RESIDENTIALLY- DEVELOPED PROPERTY		
Parking and Storage Options	Vehicle and Recreational Vehicles	Inoperative Vehicles	Wrecked or dismantled vehicles, or part thereof
<p>4. Other residential storage options. Stored or parked on a paved area that meets criteria a. and b. <u>and c.</u> below:</p> <p>a. A paved area that is not within required building setback area abutting a public street, excluding alleys; and,</p> <p>b. Screened by a 6-foot high permanent, solid, opaque fence or wall. The fence or wall shall be constructed and maintained in accordance with applicable development standards for fences and walls contained in the City of Costa Mesa Zoning Code. A building may also serve to screen the storage area.</p> <p>c. The exception to subparagraphs a. and b. above is that a vehicle may be stored or parked on a paved driveway connecting a garage or carport with a public or private street. <u>Additionally, a vehicle shall not overhang or extend beyond the driveway area or overhang the public right-of-way including sidewalks.</u></p> <p><u>Note: Vehicles shall be parked perpendicular to the street on driveways that provide straight-in access from a public street.</u></p> <p><u>For the purposes of this section, driveway width shall be equal to the width of the existing garage or carport structure it is serving. There are two exceptions which would allow an expanded driveway width for vehicle parking purposes:</u></p> <p><u>(1) A driveway serving a single-car garage/carport OR</u> <u>(2) A driveway serving a detached garage/carport located in the rear of the property</u></p> <p><u>In the cases described in (1) and (2) above, the driveway width may be expanded up to twenty feet wide in the front building setback area, provided that the driveway width does not extend past the building side setback of the existing residence or garage/carport.</u></p>	P ¹	P ¹	P ¹

P= Permitted

1. Excludes buses, tow trucks, dump trucks, flatbed trucks, tractors, tractor trailers, truck trailers; or any other commercial vehicle over 25 feet long or 8 feet in height or 90 inches wide, except as allowed in Section 20-6(a). 2. Provided that the inoperative vehicle is covered by a vehicle cover, made for that purpose and maintained in good condition, and in compliance with Section 20-7(c).

SECTION 2: ENVIRONMENTAL DETERMINATION. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment..

SECTION 3: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2009.

ALLAN R. MANSOOR
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

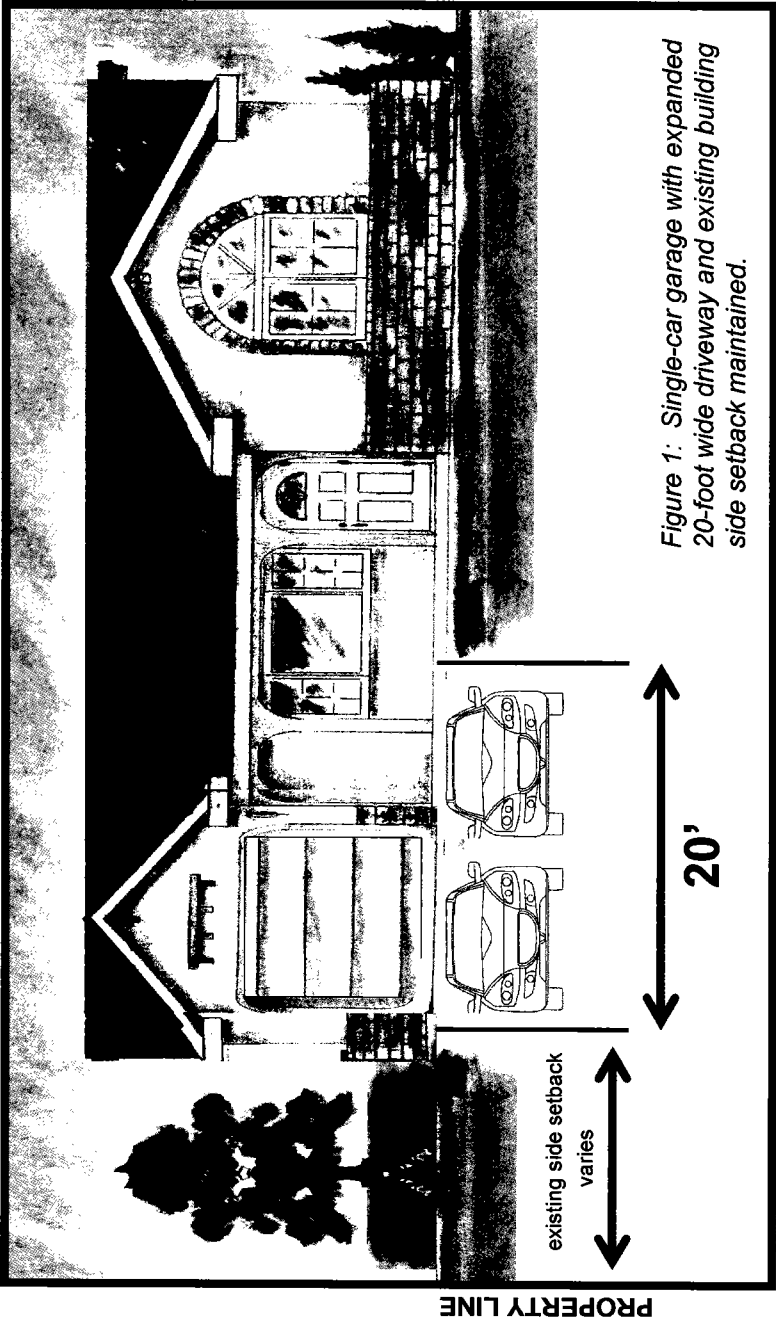


Figure 1: Single-car garage with expanded 20-foot wide driveway and existing building side setback maintained.

not to scale

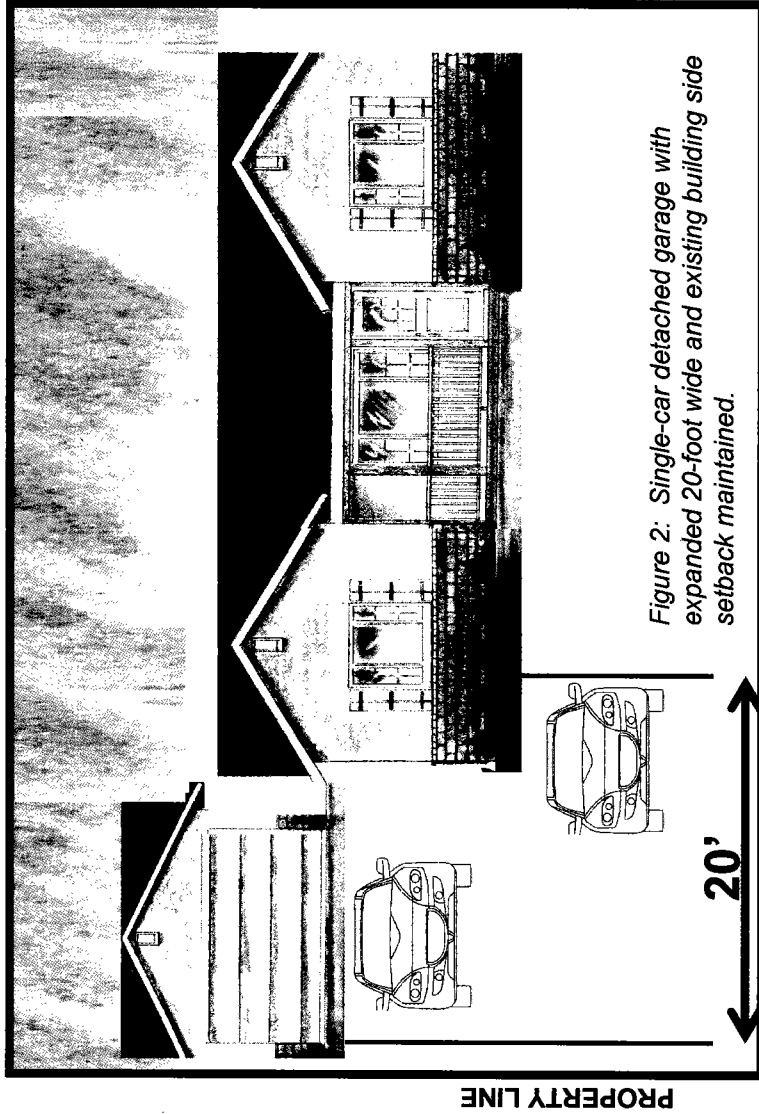


Figure 2: Single-car detached garage with expanded 20-foot wide and existing building side setback maintained.

not to scale